

REMARKS

The Office Action dated March 30, 2007, has been received and carefully considered. In this response, claims 1, 6, 7, 14, 19, and 20 have been amended. Entry of the amendments to claims 1, 6, 7, 14, 19, and 20 is respectfully requested. Reconsideration of the outstanding objections/rejections in the present application is also respectfully requested based on the following remarks.

I. THE ALLOWABILITY OF CLAIMS 6 AND 7

Applicant notes with appreciation the indication on page 6 of the Office Action that claims 6 and 7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1 and 14 have been amended to substantially incorporate the limitations of claims 6 and 7, and thus should now be allowable. Acknowledgment of same is respectfully requested.

II. THE ANTICIPATION REJECTION OF CLAIMS 1, 5, 8, 10, 12-16, 20

On pages 2-3 of the Office Action, claims 1, 5, 8, 10, 12-16, and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Butler (U.S. Patent No. 5,197,026). This rejection is hereby respectfully traversed with amendment.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. In re Sun, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. Id.. "In addition, the prior art reference must be enabling." Akzo N.V. v. U.S. International Trade Commission, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). That is, the prior art reference must sufficiently describe the claimed invention so as to have placed the public in possession of it. In re Donohue, 766 F.2d 531, 533, 226 USPQ 619, 621 (Fed. Cir. 1985). Such possession is effected only if one of ordinary skill in the art could have combined the disclosure in the prior art reference with his/her own knowledge to make the claimed invention. Id..

Regarding claim 1, the Examiner asserts that Butler teaches the claimed invention. However, as mentioned above, claim 1 has been amended to substantially incorporate the limitations of claims 6 and 7, and thus should now be allowable. Acknowledgment of same is respectfully requested.

Regarding claims 5, 8, 10, 12, and 13, these claims are dependent upon independent claim 1. Thus, since independent

claim 1 should be allowable as discussed above, claims 5, 8, 10, 12, and 13 should also be allowable at least by virtue of their dependency on independent claim 1. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

Regarding claim 14, this claim recites subject matter related to claim 1, and, as mentioned above, has been amended to substantially incorporate the limitations of claims 6 and 7. Thus, the arguments set forth above with respect to claim 1 are equally applicable to claim 14. Accordingly, it is respectfully submitted that claim 14 is allowable for the same reasons as set forth above with respect to claim 1. Acknowledgment of same is respectfully requested.

Regarding claims 15, 16, and 20 these claims are dependent upon independent claim 14. Thus, since independent claim 14 should be allowable as discussed above, claims 15, 16, and 20 should also be allowable at least by virtue of their dependency on independent claim 14. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

At this point it should be noted that claims 6 and 7 have been amended to include additional distinguishing features, and

that claim 20 has been amended to conform to the amended language of claim 14.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 1, 5, 8, 10, 12-16, and 20 be withdrawn.

III. THE OBVIOUSNESS REJECTION OF CLAIMS 2-4, 9, 11, and 17-19

On pages 4-5 of the Office Action, claims 2-4, 9, 11, and 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Butler (U.S. Patent No. 5,197,026) in view of Portman et al. (U.S. Patent No. 6,496,939). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 103, the Patent Office bears the burden of establishing a prima facie case of obviousness. In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Patent Office can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of references. Id. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221

USPQ 929, 933 (Fed. Cir. 1984). That is, under 35 U.S.C. § 103, teachings of references can be combined only if there is some suggestion or motivation to do so. Id. However, the motivation cannot come from the applicant's invention itself. In re Oetiker, 977 F.2d 1443, 1447, 24 USPQ2d 1443, 1446 (Fed. Cir. 1992). Rather, there must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the art would make the combination. Id.

Regarding claims 2-4, 9, 11, and 17-19, these claims are dependent upon independent claims 1 and 14. Thus, since independent claims 1 and 14 should be allowable as discussed above, claims 2-4, 9, 11, and 17-19 should also be allowable at least by virtue of their dependency on independent claims 1 and 14. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

At this point it should be noted that claim 19 has been amended to conform to the amended language of claim 14.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 2-4, 9, 11, and 17-19 be withdrawn.

IV. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

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